

### REMARKS

This paper is filed in response to the Office Action mailed on February 8, 2006. Currently, Claims 1-4, 7-17, 20-24, 26-32, 44-47, 50-63, and 66-99 are pending in the application. Claims 89-99 are allowed; Claims 75-79 and 81-86 are objected to.

Claims 1-4, 7-17, 20-24, 26-32, 44-47, 50-63, 66-74, 80, 87, and 88 stand rejected.

#### The Telephone Interview

On June 29, 2006, attorney for applicant telephoned Examiner Jung to discuss Claim 1 and the applied references. No agreement was reached. The Examiner is thanked for the time spent discussing the position being taken with respect to the teaching of the references.

#### The Rejection of Claims 1, 8-10, 12, 13, 44, 51-53, and 56 Under 35 U.S.C. § 102(a)

Claims 1, 8-10, 12, 13, 44, 51-53, and 56 are rejected under 35 U.S.C. § 102(a) as being anticipated by Whitehead et al. (U.S. Patent No. 6,201,989).

As amended, Claims 1 and 44 recite, respectively, "wherein the generated light impinges upon at least one probe material and causes a secondary light to be emitted from the probe material when the probe material is linked to a molecule to which the probe material has an affinity," and "generating light from the light source to illuminate at least one of the probes containing at least one probe material that emits a secondary light when the probe material is in contact with the analyte to which the probe material has an affinity."

Anticipation requires that a reference exactly describe the claimed invention. Because the Whitehead reference does not describe, at least, the recitations of Claims 1 and 44 above, the Whitehead reference is not anticipatory.

Furthermore, the Whitehead reference does not teach or suggest Claims 1 and 44, either alone or in combination with any of the other cited or applied references.

Accordingly, the withdrawal of the rejection is respectfully requested.

#### The Rejection of Claims 2, 3, 45, 46, and 50 Under 35 U.S.C. § 103(a)

Claims 2, 3, 45, 46, and 50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead et al. as applied to Claims 1 and 44 above, and further in view of Hunter et al. (U.S. Patent No. 5,716,981).

Claims 2, 3, 45, 46, and 50 are dependent from either of Claims 1 or 44; therefore, for this reason, at least, these claims are allowable.

Accordingly, the withdrawal of the rejection is respectfully requested.

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The Rejection of Claims 4, 7, 11, 14, 15, 17, 20-23, 26, 31, 32, 47, 54, 55, 57, 59-63, 66-69, 71, 80, 87, and 88 Under 35 U.S.C. § 103(a)

Claims 4, 7, 11, 14, 15, 17, 20-23, 26, 31, 32, 47, 54, 55, 57, 59-63, 66-69, 71, 80, 87, and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead et al. as applied to Claims 1 and 44 above, and further in view of Kovacs et al. (U.S. Patent No. 5,833,603).

Claims 4, 7, 11, 14, 15, 17, 20-23, 26, 31, 32, 47, 54, 55, 57, 59-63, 66-69, 71, 80, 87, and 88 are dependent from either of Claims 1 or 44; therefore, for this reason, at least, these claims are allowable.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 16 and 58 Under 35 U.S.C. § 103(a)

Claims 16 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead et al. as applied to Claims 1 and 44 above, and further in view of Salb (U.S. Patent No. 5,408,996).

Claims 16 and 58 are dependent from either of Claims 1 or 44; therefore, for this reason, at least, these claims are allowable.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 24 and 70 Under 35 U.S.C. § 103(a)

Claims 24 and 70 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead et al. and Kovacs et al. as applied to Claims 1, 23, 44, and 69 above, and further in view of McGill et al. (U.S. Patent No. 5,412,087).

Claims 24 and 70 are dependent from either of Claims 1 or 44; therefore, for this reason, at least, these claims are allowable.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 27-30, 72, and 73 Under 35 U.S.C. § 103(a)

Claims 27-30, 72, and 73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehead et al. as applied to Claims 1 and 44 above, and further in view of Pizziconi et al. (U.S. Patent No. 4,832,034).

Claims 27-30, 72, and 73 are dependent from either of Claims 1 or 44; therefore, for this reason, at least, these claims are allowable.

Accordingly, the withdrawal of the rejection is respectfully requested.

The Previously Indicated Allowable Subject Matter

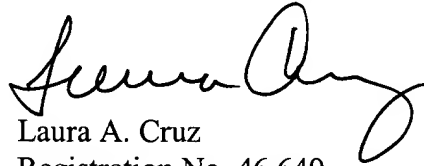
Claims 89-99 are allowed. Claims 75-79 and 81-86 are objected to as being dependent upon a rejected base claim. Claims 75 and 81 have been amended to incorporate the limitations of the claims from which they depend. Claims 89 and 94 have been amended to correct errors in grammar or spelling.

CONCLUSION

In view of the foregoing amendment and remarks, applicant respectfully submits that Claims 1-4, 7-17, 20-24, 26-32, 44-47, 50-63, and 66-99 are in condition for allowance. Accordingly, the Examiner is asked to pass this application to issue at the earliest possible date. If the Examiner has any further questions or comments, the Examiner may contact applicant's attorney at the number provided below.

Respectfully submitted,

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